

ADVERSE REPORT
CITY COUNCIL DEC 03 2001

AGENDA

Standing committees

Entered - 10-1-01 - sb
CL 01L0610 - GWENDOLYN BURNS

CLAIM OF:

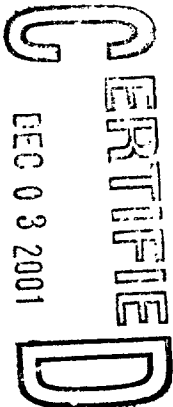
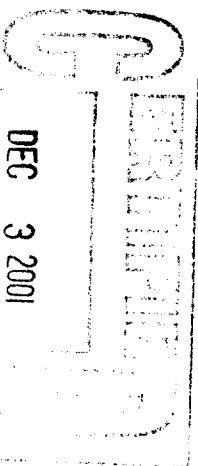
ROBERT M. NEREM
2950 Waverly Court
Atlanta, Georgia 30339

01-R-1960

For vehicular damages alleged to have been sustained from an automobile accident on August 24, 2001 at 5th Street, NE & Peachtree Street, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



DEPUTY MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

December 6, 2001

Robert M. Nerem
2950 Waverly Court
Atlanta, GA 30339

01-R-1960

Dear Mr. Nerem:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 03, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0610

Date: October 16, 2001

Claimant /Victim ROBERT M. NEREM
BY: (Atty) (Ins. Co.) _____
Address: 2950 Waverly Court, Atlanta, Georgia 30339-4200
Subrogation: _____ Claim for Property damage \$ 2,204.76 Bodily Injury \$ _____
Date of Notice: 9/11/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 8/24/01 Place: 5th Street, NE & Peachtree Street, NE
Department PUBLIC WORKS Division _____ Sewer Operations _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was backed into by a City vehicle. However, the Claimant has rejected the City's offer of settlement and has elected to pursue his claim through his insurance Company.

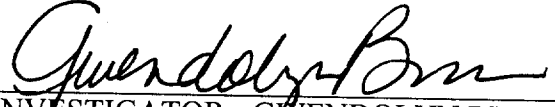
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

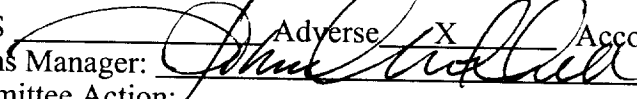
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-15-01
Committee Action: _____ Council Action _____

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

NV McCarty	NV Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE